UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) 2:16-CR-252-APG-NJK
Plaintiff,) FINDINGS OF FACT AND) ORDER
v.)
SCOTT ANTHONY PAULI,)
Defendant.)
)

FINDINGS OF FACT

Based on the pending Motion made by the United States, and good cause appearing therefore, the Court finds that:

- 1. On October 5, 2016, the Government agreed to the Defendant's request to Continue Motion Deadlines and Trial. Defendant filed a stipulation to continue the trial. *See* Docket #13. The stipulation was granted, and the Defendant was allowed until November 22, 2016 to file his Motion to Suppress. The trial in this matter is presently scheduled for January 9, 2017. *See* Docket #14. Consequently, a two-week continuance of the Government's response deadline is unlikely to affect the present trial date.
- 2. On November 22, 2016, the Defendant filed a Motion to Suppress. *See* Docket #16. Pursuant to the Court's Order, the Government's response deadline is December 6, 2016.
- 3. On November 14, 2015, the undersigned counsel for the United States was assigned to this case. *See* Docket #15.
- 4. On December 5, 2016, undersigned counsel for the United States will commence trial in the matter of *United States v. Kenneth Brooks*, case number 2:16-CR-193-KJD-VCF. The trial is expected to be completed by December 9, 2016.

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- 5. On December 2, 2016, undersigned counsel for the Government requested that Defense counsel stipulate to a two-week continuance for the Government to file its reply. Counsel for the Defendant would not agree on behalf of her client, necessitating the filing of the instant Motion.
- 6. The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to prepare a response to the Defendant's Motion to Suppress.
- 7. Additionally, denial of this request for continuance could result in a miscarriage of justice.
- 8. This is the first motion filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

CONCLUSIONS OF LAW

The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to prepare and file a response, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress (Docket #16) is extended until December 20 , 2016.

DATED: December 5, 2016

UNITED STATES MAGISTRATE JUDGE